



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

PUBLIC MEETING MINUTES:	EXAMINING BOARD OF PHYSICAL THERAPISTS AND ATHLETICS TRAINERS
MEETING DATE AND TIME:	Tuesday, March 22, 2011 at 5:00 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , First floor of the Cannon Building
MINUTES APPROVED:	April 26, 2011

MEMBERS PRESENT

Laura Schmitt, Chairperson, Professional Member
Julie Knowles, Secretary, Professional Member
Holly Malone, Public Member
Denise Smith, Professional Member
Christopher Kay, Professional Member
Amy Blansfield, Professional Member
Jeffrey Schneider, Professional Member
Tyler Luff, Public Member
Sharon Jones, Public Member

MEMBER ABSENT

W. Wayne Woodzell, Vice-Chairperson, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Eileen Heeney, Deputy Attorney General
Gayle Melvin, Administrative Specialist III
Jennifer Childears, Administrative Specialist II

ALSO PRESENT

Stacey Stewart, Deputy Attorney General
Dan Jason M. Velez

Maricryst Birao
Adam Gerber, Esquire
Joseph Lucca
Juli LaBadia, Court Reporter

CALL TO ORDER

Ms. Schmitt called the meeting to order at 5:04 p.m.

REVIEW OF MINUTES

The Board reviewed the minutes of the February 22, 2011 meeting. Ms. Knowles made a motion, seconded by Mr. Kay, to approve the minutes as presented. The motion was unanimously carried.

OLD BUSINESS

Meeting with Joseph Lucca, President of the Delaware Physical Therapy Association, Regarding Their Letter to the Board, to Discuss Bradley Training and Present a Proposal to Become the Official CEU Certifying Agency for the Board

Mr. Lucca was present to address the Board. The Board had also received a letter from the DPTA for review. Mr. Lucca discussed a licensee's responsibility in cases when they become aware of inappropriate practices of another licensee. This issue came to light with the Dr. Bradley case. The DPTA wants to be proactive on the issue of professional responsibility and wants their members to be well informed on matters related to public safety. The DPTA and The Office of the Child Advocate will be presenting a training session on April 6, 2011 on how to identify and report child abuse and neglect. This training session will be open to all licensees. Mr. Lucca asked Ms. Melvin if the Division of Professional Regulation could email a notice about the training session to all of the licensees. Ms. Melvin will request approval from Mr. Collins, Director of the Division, to do this.

Mr. Lucca presented a proposal to the Board for review. The proposal was for the DPTA to become the official CEU certifying agency for the Board. Mr. Lucca answered questions from Board members. Ms. Heeney advised that this would need to have approval from the Division of Professional Regulation, as well as a change to the rules and regulations and possibly the statute. Mr. Woodzell has been reviewing the apPITude from the FSBPT. The Board would like to have a report from Mr. Woodzell on this. It was decided to table this matter for further discussion at the next meeting.

WELCOME NEW BOARD MEMBERS

Ms. Jones and Mr. Luff were welcomed to the Board.

HEARING

Ms. Heeney called the formal hearing to order at 5:28 p.m. This hearing was held to receive evidence in the matter of Case No. 14-06-07 against Dan Jason M. Velez. Mr. William Holland, who is no longer a Board member, was the contact person for the complaint. Present for the hearing were Stacey Stewart, Deputy Attorney General, Ms. Childears, Mr. Velez, Ms. Birao and Adam Gerber, Esquire. Verbatim testimony was recorded by the court reporter.

Delaware Examining Board of Physical Therapists and Athletic Trainers

Minutes-March 22, 2011

Page 3

Ms. Stewart presented her case. Ms. Stewart called Ms. Childears as her first witness and Mr. Velez as her second witness. Both answered questions from Ms. Stewart, Mr. Gerber and Board members.

Next, Mr. Gerber called Mr. Velez as his first witness. Mr. Velez answered questions from Mr. Gerber, Ms. Stewart and Board members. Mr. Gerber called Ms. Birao as his second witness. Ms. Birao answered questions from Mr. Gerber.

The Board went off the record at 6:24 p.m. to hold deliberations. The Board took a recess from 6:25 p.m. to 6:29 p.m. The Board went back on the record at 6:48 p.m. Ms. Smith made a motion, seconded by Mr. Kay, that Mr. Velez is in violation of 24 *Delaware Code* Section 2606(a)(2) by not having a valid passing score on the FSBPT exam and the Board suspends the license of Mr. Velez for one year. If Mr. Velez does not provide the Board with a valid passing score, his license will be revoked with no further notice or hearing. The motion was unanimously carried. The hearing concluded at 6:49 p.m.

OLD BUSINESS CONTINUED

Discussion: Proposed Revisions to the Rules and Regulations

This was tabled until the next meeting.

Letter from Hammond Law Group Regarding a Georgia Superior Court Ruling Concerning Action Against FSBPT and the State of Georgia – Ms. Heeney

A letter had been received from the Hammond Law Group regarding a Georgia Superior Court ruling concerning action against FSBPT and the State of Georgia. The letter advised that a Superior Court in Georgia ruled that the actions of the FSBPT were unlawful and granted a declaratory judgment and a permanent injunction against the FSBPT and the Georgia Board. Ms. Heeney gave an overview of the events that led up to this letter. In order to address security concerns and protect the integrity of the National Physical Therapy Examination (NPTE), while complying with the recent order from Georgia, the FSBPT will cease continuous testing and begin fixed-date administration for all candidates for the physical therapy NPTE. Ms. Melvin will make a copy of the letter for Board members for the next meeting. Ms. Heeney will review this issue further. The Board will also need to discuss if changes are needed to the rules and regulations regarding the fixed-date administration of the NPTE and temporary license.

NEW BUSINESS

Ratify PT/PTA/AT Application by Examination

Ms. Knowles made a motion, seconded by Ms. Smith, to ratify licensure by examination for the following persons:

Addison Lerner (PT)
Angelika Jaminska (PT)
Steven Banaszak, Jr. (PT)
Jessica Amato (PT)
Jennifer Mangano (AT)

The motion was unanimously carried.

Delaware Examining Board of Physical Therapists and Athletic Trainers

Minutes-March 22, 2011

Page 4

Ratify PT/PTA/AT Applications by Reciprocity

Ms. Knowles made a motion, seconded by Mr. Schneider, to ratify licensure by reciprocity for the following persons:

Jennifer Cooper (PT)
Sarah Lewis (PT)
Michelle Roser (PTA)
Jeffrey Kupstas (PTA)
James Truax (AT)
Jillian Leach (AT)

The motion was unanimously carried.

Final Denial of Applications

Ms. Knowles made a motion, seconded by Ms. Smith, to final deny the applications for the following persons which the Board had proposed to deny and had received no response from the applicants requesting a hearing:

Sujata Dhone (PT)
Swarna Dakareddy (PT)
Jolaolu Jimoh (PT)
Ethel Mercado (PT)
Derrick Planthara (PT)
Julie Ann Igual (PT)

The motion was unanimously carried.

Review of Exam Results

Ms. Knowles made a motion, seconded by Ms. Smith, to recognize examination results for the following person:

Jessica Onisick (PTA)

The motion was unanimously carried.

Review of Continuing Education Courses

This was tabled until the next meeting.

Discussion: Personal Trainers Advertising They Can Rehab and Recondition Clients – Ms. Blansfield

Ms. Blansfield reported that an athletic trainer had brought a concern to her about personal trainers stating in their advertisements that they can rehab and recondition clients and asked how to handle this issue. Ms. Heeney advised Ms. Blansfield that a complaint can be filed with the Division of Professional Regulation for unlicensed practice.

Status of Complaints

Complaint No. 14-02-11 – Assigned to Mr. Kay

Delaware Examining Board of Physical Therapists and Athletic Trainers

Minutes-March 22, 2011

Page 5

Complaint No. 140-3-11 – Assigned to Ms. Knowles

Review of Applications by Examination

The Board reviewed the application of Pia Karisma Nebres for licensure as a physical therapist by examination. Ms. Knowles made a motion, seconded by Ms. Smith, to propose to deny Ms. Nebres' application because she does not meet the education requirements. The motion was unanimously carried.

The Board reviewed the application of Luzviminda Sabate for licensure as a physical therapist by examination. Ms. Knowles made a motion, seconded by Ms. Smith, to propose to deny Ms. Sabate's application because she does not meet the education requirements. The motion was unanimously carried.

FSBPT Annual Meeting and Delegate Assembly – September 22-24, 2011

The FSBPT Annual Meeting and Delegate Assembly will be held on September 22-24, 2011 in Charlotte, North Carolina. Ms. Melvin will check with Mr. Woodzell to see if he is interested in attending.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

There was no other business before the Board.

PUBLIC COMMENT

There was no public comment at this meeting.


NEXT SCHEDULED MEETING

The next meeting will be held on Tuesday, April 26, 2011 at 5:00 p.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business, Ms. Smith made a motion, seconded by Mr. Kay, to adjourn the meeting. The motion was unanimously carried. The meeting adjourned at 7:17 p.m.

Respectfully submitted,



Gayle L. Melvin
Administrative Specialist III